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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 19th December, 1983:—

BILL No. XXXIII OF 1983

A Bill further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Essential Commodities (Amendment) Act, 1983.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

10 of 1955.

Insertion of new section 7A.

2. After section 7 of the Essential Commodities Act, 1955, the following section shall be inserted, namely:—

Power of Central Government to recover certain amounts as arrears of land revenue.

'7A. (*1*) Where any person, liable to—

(*a*) pay any amount in pursuance of any order made under section 3, or

(*b*) deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,

makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made shall [whether such order was made before or after the

commencement of the Essential Commodities (Amendment) Act, 1983, and whether the liability of such person to pay or deposit such amount arose before or after such commencement] be recoverable by Government together with simple interest due thereon computed at the rate of six per cent. per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue.

(*2*) The amount recovered under sub-section (*1*) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.

(*3*) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court, tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering any amount as an arrear of land revenue in pursuance of the provisions of sub-section (*1*).

(*4*) If any order, in pursuance of which any amount has been recovered by Government as an arrear of land revenue under sub-section (*1*) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the amount so recovered by it to the person from whom it was recovered, together with simple interest due thereon, computed at the rate of six per cent. per annum, from the date of recovery of such amount to the date on which such refund is made.

Explanation.—For the purposes of this section, "Government" means the Government by which the concerned order under section 3 was made or where such order was made by an officer or authority subordinate to any Government, that Government.'.

STATEMENT OF OBJECTS AND REASONS

The Essential Commodities Act, 1955 provides that, for maintaining of increasing supplies of essential commodities or for securing their equitable distribution and availability at fair prices, the Central Government (or by a State Government to which such powers are delegated by the Central Government) may issue orders for regulating or prohibiting the production, supply and distribution of such essential commodities and trade and commerce therein. In order to achieve these objectives, the Government has been vested with plenary powers to issue orders, e g., for regulating production, storage, transport and distribution, for controlling the price, etc. Similarly the Act provides that if any person contravenes any order made under section 3 of the Act, he shall be punishable with imprisonment and shall also be liable to fine. There is, however, no provision in the Act enabling the Government to recover, in case of default, any amount which is required to be paid or deposited in pursuance of any such regulatory order. It is, therefore, necessary to amend the Act to include therein an express provision, enabling recovery of such amounts as arrears of land revenue, so as to remove the present lacuna.

2. The Bill seeks to achieve the above objects.

NEW DELHI; BHAGWAT JHA AZAD.

The 2nd December, 1983.

FINANCIAL MEMORANDUM

Sub-section (4) of section 7 of the Essential Commodities Act, 1955 as proposed to be inserted by clause 2 of the Bill, provides that where the order, in pursuance of which any amount has been paid to any person or authority or deposited to the credit of any Account or Fund, is declared invalid by a court of law, such amount will have to be refunded together with interest due thereon at 6 per cent. per annum. If in any case any liability for the payment of such interest arises, the amount of interest would be paid by the concerned person or authority, or, as the case may be, from the concerned Account or Fund. Consequently, no expenditure would be involved from the Consolidated Fund of India, if the Bill is enacted.

SUDARSHAN AGARWAL,
Secretary-General.

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